

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 660946C:RDC	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).	
International Application No. PCT/IB2003/004784	International Filing Date (day/month/year) 27 October 2003	Priority Date (day/month/year) 30 October 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ A61M 5/32		
Applicant TENG, Jun Piao		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of **4** sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:
- I ☒ Basis of the report
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 19 April 2004	Date of completion of the report 16 February 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer SUE THOMAS Telephone No. (02) 6283 2454

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/IB2003/004784

I. Basis of the report

1. With regard to the elements of the international application:*

☒ the international application as originally filed.☐ the description, pages , as originally filed,
pages , filed with the demand,☐ the claims, pages , received on with the letter of
pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,☐ the drawings, pages , received on with the letter of
pages , as originally filed,
pages , filed with the demand,☐ the sequence listing part of the description:
pages , as originally filed

pages , filed with the demand

pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished4. ☐ The amendments have resulted in the cancellation of:☐ the description, pages☐ the claims, Nos.☐ the drawings, sheets/fig.5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 5, 11, 15, 16	YES
	Claims 1-4, 6-10, 12-14, 17-24	NO
Inventive step (IS)	Claims	YES
	Claims 1-24	NO
Industrial applicability (IA)	Claims 1-24	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

D1 US 5578015

D2 WO 1997/44076

D3 EP 0480862

D4 US 6413236

New Citations

D5 WO 2001/64272 A1 (TENG) 7 September 2001 (document cited within the specification)

Novelty (N) Claims 1-4, 6-10, 12-14, 17-24

Claims 1, 2, 6-10, 12-14

D1, D2, D3 and D4 explicitly disclose all the features of these claims. For example, in D1 see:

- syringe body Figs. 1a, 1b, item 2
- plunger Figs. 1a, 1b, item 4
- first sealing member Figs. 1a, 1b, item 14
- second sealing member Figs. 1a, 1b, item 16

D1 further discloses a vacuum is generated between the first and second sealing members by depressing the plunger (see column 4, lines 8-12).

Claims 3, 20, 21

D2 and D3 explicitly disclose the vacuum created by depressing the plunger is sufficient to draw liquid up into the bore of the body (see abstracts of both citations).

Claim 4

D3 explicitly discloses a marking member (see Fig. 4, item G') for marking when the plunger has been inserted into the syringe body to said first position.

Claims 17-19, 22-24

D1, D2 and D3 explicitly disclose all the features of these claims.

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of V

Inventive Step (IS) Claims 1-24

Claims 1-4, 6-10, 12-14, 17-24

As above.

Claims 5, 11

D3 discloses a stop member (G') protruding from the piston that may be detached. The claimed invention differs from D3 in that the stop member is broken off from the piston. This difference results in merely a substitution of mechanical equivalents and is not considered to involve an inventive step.

Claim 15

The features added by this claim relate to parameters or structures that are merely matters of design choice when the general technical knowledge about the state of the art is used and cannot contribute to patentable invention.

Claim 16

The feature added by this claim of a break portion between a shaft portion and a first sealing member is typical in devices of this type and cannot contribute to patentable invention (see in particular Fig. 7B of D5).